



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,580	03/10/2004	Arnold Blinn	MS#304543.01 (5101)	6335
38779 7590 07/28/2009 SENNIGER POWERS LLP (MSFT) 100 NORTH BROADWAY 17TH FLOOR ST. LOUIS, MO 63102				
EXAMINER				
SHAIFER HARRIMAN, DANT B				
ART UNIT		PAPER NUMBER		
2434				
NOTIFICATION DATE		DELIVERY MODE		
07/28/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/798,580	<b>Applicant(s)</b> BLINN ET AL.
<b>Examiner</b> DANT B. SHAFER HARRIMAN	<b>Art Unit</b> 2434

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: 20 and 34.  
Claim(s) rejected: 1-10, 15, 19, 22, 23, 30, 32, 33, 35 - 38.  
Claim(s) withdrawn from consideration: 11 - 14, 16 - 18, 21, 24 - 29, 31, 39, 40.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

/Kambiz Zand/  
Supervisory Patent Examiner, Art Unit 2434

Continuation of 13. Other:

The examiner response to applicants arguments and remarks;

Status of the Claims:

Referring to claims 20 and 34 under the 35 USC 103a rejection that is made obvious by Venkataramappa (US PUGPUB # 2003/0188193) in view of Zhang et al. (US Pat. No. 7036142) further in view of Lutz (US Patent No. 2003/0204579) is withdrawn.

Referring to claims 20 and 34, these claims contain allowable subject matter.

Examiners response applicants argument and concerns or remarks:

1. Applicant states: "Applicants request that the final Office Action be withdrawn due to incompleteness. In the final Office Action, the Examiner fails to address each and every claim. Instead, the Office merely provides arguments to reject the independent claims without providing any basis for rejecting the dependent claims. Applicants made a similar request in Amendment A filed October 19, 2007 (Page 11 of Amendment A as filed), which went unaddressed and without correction in the subsequent Office Actions that were issued by the Examiner. Furthermore, the Office actions additionally fail to even address each independent claim separately, as exemplified by the latest Office Action."

\*\*\*\*The examiner respectfully disagrees with applicants remarks, with prosecution closed in the application, the examiner can't address each independent claim and dependent claim in this advisory action applicant is referred to the previous office actions.

2. Applicant states: "In addition, in the final Office Action, the Examiner indicates (Page 5, paragraph 1 of Office Action) that "to overcome the examiners current prior art rejection, the examiner suggests the following be amended in the all independent claims ..... Applicants must also understand that any amendment to the claims will require further reconsideration and search at any future prosecution in the application." As part of the suggestions, the Examiner proceeds to recite the aspects for inclusion in the amended claims. Applicants thank the Examiner for the suggestions. However, Applicants are unable to evaluate the suggestions without a full understanding of the basis for rejecting the dependent claims because at least some of the suggestions are already pending in the present application. Thus, Applicants are at a loss as to why the claims which recite the suggested subject matter have not been addressed and allowed.

In particular, the Examiner suggests the following (Applicants comments in italics):

• "claim 20" - This subject matter is hence already claimed and should have been previously examined and addressed in the Office action.

• "language of paragraph [0020], specifically dealing with central server, first policy group and second policy group, a database containing the first policy group and second policy group that is coupled to the central server" - The language of paragraph [0020] is already recited at least in part in independent claim 30 of the Applicant's claims and, thus, should have been previously examined and addressed in the Office action."

\*\*\*\*The examiner respectfully disagrees with applicants logic and reasoning, the examiner notes with the exception of the claim limitations of claim 20, and paragraph: 20 of applicants specification, the material in paragraphs 43 and 73 of applicants specification are not in any of currently rejected claims, applicant fails to understand that any new claim limitations that were not originally apart of the currently rejected claim limitations, will require further search and reconsideration as indicated in the final rejected dated 04/13/2005 on page 5.

3. Applicant states: "It is unclear why additional searching will be needed with regard to the above noted aspects since these aspects are already recited in the claims as stated above and have been previously presented. If the Examiner has made a detailed search commensurate with the limitations appearing in the most detailed claims in the case (per MPEP 904.03), further searching should be unnecessary if the stated language is allowable subject matter."

\*\*\*\*The examiner respectfully notes that the material in paragraphs 43 and 73 of applicants specification are not in any of currently rejected claims, applicant fails to understand that any new claim limitations that were not originally apart of the currently rejected claim limitations, will require further search and reconsideration as indicated in the final rejection dated 04/13/2005 on page 5, were the examiner suggests possible material from applicants specification that if included in the independent claims

4. Applicant states: "The Examiner also recites the following aspects: "0043, the 64-bit PUID that is encrypted, 0073, after the user is authenticated by the central server, the user is only allowed to use the requested service for a predefined window of time". Paragraph [0073] of Specification as filed does not recite the stated language. "

\*\*\*\*The examiner respectfully disagrees, applicant has failed to assess applicants' specification, the examiner notes from paragraph: 0043, "The PUID is, for example, a 64-bit number that the authentication server sends (e.g., encrypted) to affiliate servers 166 as the authentication credential when the user signs in.", applicant can find proof below from paragraph: 0043.

[0043] The central server 170 of FIG. 1, i.e., the authentication server in this embodiment, validates the username/password provided by the user. Server 170 handles the authentication response by comparing the login data to the entries in database 172. If the username and password match an entry in the database 172, the user is authenticated. A unique identifier (e.g., Passport Unique Identifier (PUID)) and a user profile corresponding to the authenticated user are extracted from the database. In this embodiment, when a user registers an account, the account is assigned a PUID that becomes the unique identifier for the account. The PUID is, for example, a 64-bit number that the authentication server sends (e.g., encrypted) to affiliate servers 166 as the authentication credential when the user signs in. This unique identifier makes it possible for the sites to determine whether the user is the same person from one sign-in session to the next.

\*\*\*\*\*The examiner remarks regarding unofficial claims received from applicant on 07/15/2009 and 07/21/2009:

---The examiner notes that applicants unofficial claim amendments for a possible examiners amendment is not sufficient to bring the application to allowance, the examiner finds issue with the following:

In Claim 22, the examiner instructed applicant to add a claim limitation of a 64bit PUID, instead applicant as amended in a unique identifier, is too broad, also applicant has failed to add the claim limitation of, first policy group and a second policy group, and a database containing the first and second policy group that is coupled to a central server. "The examiner notes that applicant has pointed out that this limitation is already in an independent claim 30 of the final rejection, and is the same material disclosed in applicant disclosure in paragraph 20, the examiner wants to make clear that this particular claim limitation isn't allowable on its own, but if incorporated into the independent claims along with the 64 Bit PUID and the predetermined time interval that a user has access, this combination will make the associated independent claim contain allowable subject matter, based on that the examiners prior art has been overcome.

In claim 30, the examiner instructed applicant to add a claim limitation of a 64bit PUID, instead applicant as amended in a unique identifier, is too broad.

In claim 35, the examiner instructed applicant to add a claim limitation of a 64bit PUID, instead applicant as amended in a unique identifier, is too broad, also applicant has failed to add the claim limitation of, first policy group and a second policy group, and a database containing the first and second policy group that is coupled to a central server.

\*\*\*\*\*The examiner notes that at this point in the prosecution, applicant has options, the examiner recommends:

1. File an Appeal, as applicant has indicated.
2. File an RCE, and act on examiners suggestion of examiners amendment. or the indicated allowable subject matter.
3. Abandon the application.